

Atty. Docket No.
ISR 99-24 06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
1-14
H14

Applicant : Todd M. BERTOCH et al.

Serial No. : 09/894,880

Examiner: LoAn H. Thanh

Filed : June 29, 2001

Group Art Unit: 3763

For : CATHETER SECURING DEVICE

RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

This paper is being filed in response to the Restriction/Election Requirement mailed on December 9, 2003.

Pursuant to that Office Action and 37 C.F.R. §1.143, Applicants elect the species of Group I drawn to Figs. 1-4. Applicants submit that claims 1-4, 6, 7, 9-13, and 16-20 are readable on Figs. 1-4.

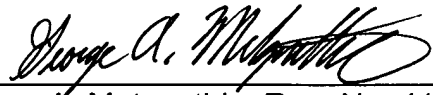
Applicants respectfully submit that claims 1-4, 6, 7, 9-13, and 16-20 also read on Figs. 5-10. Applicants also point out that the alternative embodiment shown in Figs. 13(a)-(b) can be used in conjunction with the embodiments illustrated in Figs. 1-10, and is covered, for example, by claim 8. Claims 1 and 16-18 read on all of the figures with which the election is required.¹

Applicants respectfully traverse this restriction/election requirement as being improper under MPEP §§803. Applicants, however, do not admit or imply that any of the claims are obvious over any other pending claim in this patent application. The Election Requirement does not "provide any reasons and/or examples to support [its] conclusions." MPEP §803. Applicants are unable to refute the logic used in making this restriction requirement, because a *prima facie* case has not been laid out. Therefore, Applicants respectfully request that this restriction requirement be withdrawn.

¹ Fig. 14 was not included in the three species groups put forth in the Restriction/Election Requirement.

Applicants respectfully request that the Examiner withdraw the restriction/election requirement and proceed on the merits for all of the pending claims.

Respectfully submitted,
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